

DANIEL SIMON, Oregon State Bar ID Number 124544
Deputy City Attorney
Email: dan.simon@portlandoregon.gov
Office of City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Attorney for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JOSEPH WALSH,

3:17-cv-01899-PK

PLAINTIFF,

v.

**DEFENDANTS' RULE 26(F) REPORT
AND PROPOSED CASE MANAGEMENT
SCHEDULE**

**CITY OF PORTLAND, OR, MAYOR TED
WHEELER, and PORTLAND POLICE
BUREAU**

DEFENDANTS.

Counsel for Defendants and Plaintiff conducted an initial discovery conference pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 at Portland City Hall on May 9, 2018. After conferring, the parties were unable to come to an agreement on any of the below issues. Defendants file the following proposed case management schedule. Plaintiff will file his own proposed case management schedule.

1. Initial Disclosures. Defendants believe the parties should exchange Initial Disclosures within 30 days following this Court's order on defendants' motion to dismiss.

////

2. Anticipated Discovery. Defendants anticipate discovery on the following topics:

- a. Information related to the preparation and planning conducted by the Portland Police Bureau relating to the protests scheduled for June 4, 2017.
- b. Information related to the interactions among protesters, between different protest groups, and between police officers and protesters at Terry Shrunk Plaza, Chapman Square, and Lownsdale Square on June 4, 2017.
- c. Information related to the decision to disperse protesters from Chapman Square and Lownsdale Square and the decision to close Chapman Square and Lownsdale Square on June 4, 2017.
- d. Defendants' policies, procedures, protocols, training, and tactics used for large-crowd events, such as protests and demonstrations.
- e. Information on the Plaintiff's participation in the protests, march, and detention that occurred on June 4, 2017, as well as any alleged damages arising from these events.
- f. Information on the Plaintiff's participation in protests, marches or demonstrations within the City of Portland from June 4, 2007 until present.
- g. General background information related to the Plaintiff.

With respect to the timing of discovery, Defendants believe that the parties should defer discovery until the Court rules on Defendants' Motion to Dismiss or in the Alternative, Motion to Make More Definite and Certain, docket #15. Defendants were served with Plaintiff's First Request for Production on April 24, 2018. Consistent with Defendants' proposed schedule, Defendants propose that the timeline for responding to this First Request for Production not begin until after the Court has ruled on Defendants' Motions.

3. Proposed Schedule. Defendants propose the following discovery schedule and dispositive motion deadlines:

<u>EVENT</u>	<u>DATE</u>
Parties Exchange Initial Disclosures	30 days following Court's decision on Defendants' Motion to Dismiss.
Complete All Fact Discovery	120 days following Court's decision on Defendants' Motion to Dismiss.
Amend Pleadings, Add Parties, and Join Claims	120 days following Court's decision on Defendants' Motion to Dismiss.
Dispositive Motions	180 days following Court's decision on Defendants' Motion to Dismiss.
Deadline for ADR Report	To be set via conference with the Court after the Court's ruling on dispositive motions, if any.

4. Treatment of Electronically Stored Information. Defendants will conduct electronic discovery according to the terms of the Federal Rules of Civil Procedure and the Local Rules. Defendants will agree to preserve ESI concerning the topics described in Paragraph 2 above located on any device in the possession, custody, or control of any party. Defendants further agree to confer and agree on reasonable format for production of ESI.

5. Privilege Claims. As of the date of this report, Defendants do not foresee any unusual issues of privilege or protection of trial preparation materials. Defendants do not anticipate the need for any special procedures regarding the clawing back of privileged material inadvertently produced in discovery. But Defendants will request a FRE 502(d) order.

6. Protective Order. Defendants anticipate the need for a protective order regarding certain information likely to be requested and produced in the litigation. Defendants agree to the form of protective order provided by the United State District Court for the District of Oregon.

Defendants anticipate further discussion about the scope of the protective order, and if the parties are unable to agree, Defendants will present the issue to the Court for decision.

7. Limitations on Discovery. Defendants do not foresee any other limitation on discovery not set forth in the applicable provisions of the Federal Rules of Civil Procedure and the Local Rules concerning discovery disputes.

Dated: May 9, 2018

Respectfully submitted,

/s/ Daniel Simon

DANIEL SIMON, OSB # 124544

Deputy City Attorney

Telephone: (503) 823-4047

Email: dan.simon@portlandoregon.gov

Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS' RULE 26(F) REPORT AND PROPOSED CASE MANAGEMENT SCHEDULE on:

Joseph Walsh
7348 SE Division Street
Portland, OR 97206
Pro Se Plaintiff

on May 9, 2018 by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the following method(s):

- ☒ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **facsimile transmission**.
- ☐ by **email**.

/s/ Daniel Simon

Daniel Simon, OSB No. 124544
Deputy City Attorney
Email: dan.simon@portlandoregon.gov
Fax: (503) 823-3089
Of Attorney for Defendants